

JAMES PHELPS.

[To accompany bill H. R. No. 124.]

MARCH 5, 1840.

Mr. E. DAVIES, from the Committee on Revolutionary Pensions, made the following

REPORT :

*The Committee on Revolutionary Pensions, to whom was referred the petition of James Phelps, a soldier of the revolution, report :*

That the testimony in the case fully establishes the fact that the said James Phelps performed two years' service as a guard of public stores, at Windsor, Connecticut, when but twelve or fourteen years old; that his commander, although so young, had the utmost reliance on him, and on one occasion chose him as the most trustworthy of the guard on a hazardous duty. The only objection, on the part of the Commissioner of Pensions, to the claim, is the age of the applicant when the service was performed. The committee, from all the circumstances of the case, are of opinion that the applicant performed his duty faithfully, and with as much ability as most men could have done; and, therefore, report a bill.

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Secretary of War directed the name of William Lomax to be continued on the pension roll, with a notification that he should be paid the sum due from the time his pension was suspended. When Lomax applied to the pension agent for his pension, under that notification, he was told that he could not draw it without the original certificate, which had been lost or mislaid by his agent, then greatly involved and embarrassed by his own private affairs. He applied for a duplicate certificate, which was refused him without proof of identity, which was furnished by the clerk of the county court of Rowan, dated the 28th of May, 1832, but not considered sufficient. The petitioner, ignorant and unable to prosecute his claim further, abandoned it in despair until the year 1834, when he filed his declaration under the act of Congress of the 7th of June, 1832, when his representative (Mr. Rencher) states, "that, upon looking into the papers at the Pension Office, he could perceive no objection to his declaration and proof filed in 1819; and, therefore, claimed for William Lomax a full pension under the law of 1818, to which he would not be entitled under the law of 1832, having served but one year."

The department allowed him his full pension under his declaration filed in 1819, but refused to allow him arrearages from the time his declaration and proof was filed, according to the provisions of the law of 1818.

The committee are clearly of opinion that the said William Lomax was entitled to pay from the time his declaration and proof was made out; that proof of identity was sufficient. And they therefore report a bill.

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